IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 151 OF 2006
IN
CRIMINAL APPEAL NO. 949 OF 2004

Sudhir Raosaheb Kale ..Applicant
(Ori.Accused No.2)

versus

State of Maharashtra ..Respondents

Mrs. P. Kakade for the Applicant - Original Accused No.2.

Mr. U. V. Kejariwal, APP for the Respondents - State.

CORAM : D. G. DESHPANDE, &
V. K. TAHILRAMANI,JJ.

DATE : 28TH APRIL, 2006

P.C. :

1. Heard.

2. The applicant - accused is convicted under Section 302 read with 34 of IPC. Counsel for the Applicant contended that his role is identical to that of the accused No.3 who has been released on bail. She further contended even if the testimony of the eye witnesses, is taken into consideration in the incident of assault of the manager of the Hotel,

this accused has not played any role. When questioned, in this regard, the learned APP tried to contend that he was present alongwith others. Though a motorcycle was recovered at his instance, but so far as role in actual assault is concerned, she could not point out anything to us from the evidence.

3. Therefore, in the circumstances, the Applicant - original accused No.2 be released on his P. R. Bond of Rs.15,000/- (Rupees Fifteen Thousand) with one or two solvent sureties in the like amount. He will attend the concerned Police Station once in a fortnight till the appeal is disposed of. Application disposed of accordingly.

(D.G. DESHPANDE, J.)

(V.K. TAHILRAMANI, J.)